

**Remarks:**

These remarks are responsive to the Office Action dated June 25, 2009, in which the Examiner:

- reopened prosecution for the purposes of entering new rejections;
- rejected claims 1, 2, 4, 9, 16, 20, 28, 30, and 31 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0267214 to Kerssies ("Kerssies");
- rejected claim 28 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,171,306 to Vo ("Vo");
- rejected claims 1-6, 9, 10, 14-16, 18-20, 22, 23, and 29-31 under 35 U.S.C. § 103(a) as being unpatentable over Vo in view of U.S. Patent No. 6,270,467 to Yee ("Yee");
- rejected claims 11-13, 17 and 32 under 35 U.S.C. § 103(a) as being unpatentable over Vo in view of U.S. Patent No. 5,368,582 to Bertera ("Bertera");
- rejected claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Vo, Yee, and U.S. Patent No. 6,299,305 to Miwa ("Miwa");
- rejected claim 8 under 35 U.S.C. § 103(a) as being unpatentable over Vo, Yee, and U.S. Patent No. 4,838,681 to Pavlidis ("Pavlidis"); and
- rejected claims 24-27 under 35 U.S.C. § 103(a) as being unpatentable over Vo, Yee, and U.S. Patent No. 6,159,186 to Wickham ("Wickham").

In view of the amendments above, and the remarks below, applicants respectfully request reconsideration of the application under 37 C.F.R. § 1.111 and allowance of the pending claims.

**Reopening Prosecution**

The present application was the subject of Appeal 2008-4644, wherein the Board of Patent Appeals and Interferences reversed all of the rejections on appeal, thereby placing the application in condition for immediate allowance. Nevertheless, the Examiner reopened prosecution, citing MPEP §1214.04. In fact, MPEP §1214.04 warns against reopening prosecution where there is a complete reversal of the rejections on appeal, stating that the “examiner should never regard such a reversal as a challenge to make a new search to uncover other and better references.”

Moreover, the Examiner should not revisit references already considered by the Board. Although the Examiner may request rehearing of the Board decision, “[s]uch a request should normally be made within 2 months of receipt of the Board decision in the TC.” MPEP §1214.04. In the present Office Action (after appeal), the Examiner asserts rejections based on Vo and Yee, both of which were considered by the Board in its prior Decision on Appeal (Appeal 2008-4644). Inasmuch as these references have already been considered by the Board of Patent Appeals and Interferences, and the Examiner’s rejections based on these references have been reversed, the rejections based on Vo and Yee should be withdrawn.

### **Claim Amendments**

The present communication amends claims 1, 20, 28, and 30. Each amendment is supported by the application. Exemplary support for each amendment is listed, without limitation, in the following table:

<b><i>Claim</i></b>	<b><i>Support</i></b>
1 (Independent)	Page 8, line 30 to Page 9, line 4; Page 15, line 28 to Page 16, line 20; Page 18, lines 15-22
20 (Independent)	Page 8, line 30 to Page 9, line 4; Page 15, line 28 to Page 16, line 20; Page 18, lines 15-22
28 (Independent)	Page 8, line 30 to Page 9, line 4; Page 15, line 28 to Page 16, line 20; Page 18, lines 15-22
30	Page 8, line 30 to Page 9, line 4; Page 15, line 28 to Page 16, line 20; Page 18, lines 15-22

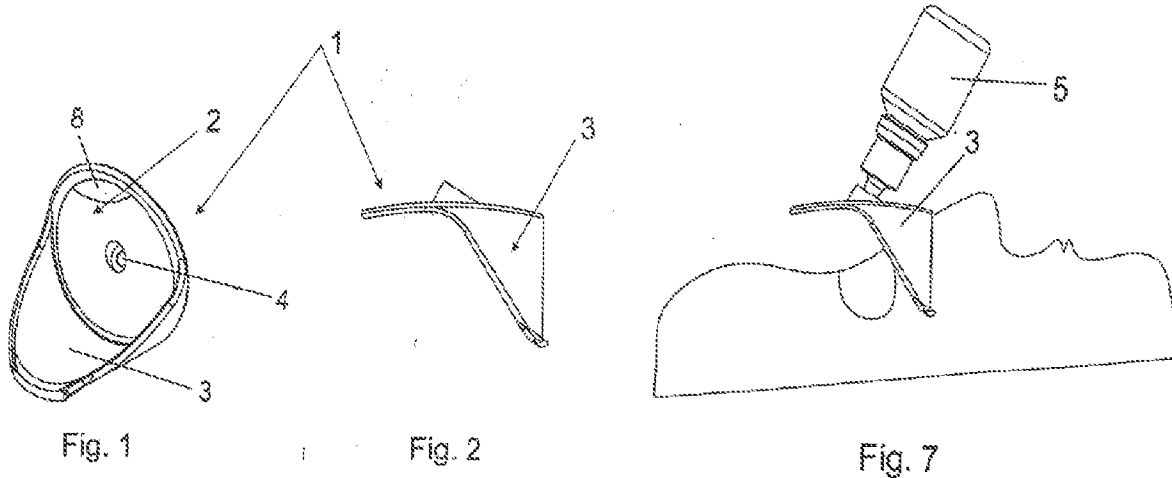
### **Response to Rejections**

#### **A. Rejections Under 35 U.S.C. § 102**

1. Rejections of Claims 1, 2, 4, 9, 16, 20, 28, 30, and 31 Under 35 U.S.C. § 102(e) as Being Anticipated by Kerssies

Claims 1, 2, 4, 9, 16, 20, 28, 30 and 31 were rejected under 35 U.S.C. § 102(e) as being anticipated by Kerssies. Applicants respectfully disagree with these rejections, because Kerssies fails to disclose each feature recited in the claims. Nevertheless, to further prosecution of the application, claims 1, 20, 28, and 30 have been amended for

clarity. Support for the present amendments to the claims can be found at least in paragraph [37] of the specification as filed (see, page 8, line 30 through page 9, line 4).



As shown in Figs. 1, 2, and 7 above, Kerssies discloses an ophthalmic device for administering fluid eye medication from a dispenser 5 to a human eye. The device includes a housing 1 having a base portion 2 that surrounds an opening 4 for receiving the nozzle of dispenser 5. The base portion 2 is provided with a reflective material, so that a user can see the reflection of his or her eye for proper orientation. The dispenser 5 can be squeezed to release the fluid eye medication toward the eye whenever the user desires.

a. Claims 1, 2, 4, 9, 16

Applicants submit that Kerssies fails to disclose each and every feature recited in amended claim 1. As amended, claim 1 recites:

An ophthalmic apparatus comprising:  
an eye-positioning device for assisting a subject in positioning an eye in a desired position for administering a fluid to the eye; and  
an applicator for dispensing the fluid into the eye conditionally upon positioning of the eye in the desired position.

Kerssies does not disclose an applicator for dispensing fluid into an eye conditionally upon positioning of the eye in the desired position. Rather, Kerssies discloses a device having a dispenser that dispenses fluid eye medication entirely independent of the position of the eye. Accordingly, applicants submit that Kerssies does not anticipate claim 1 under 35 U.S.C. § 102(e), and respectfully request withdrawal of the rejection.

Claims 2, 4, 9, and 16 depend from claim 1, and thus are allowable for at least the same reasons as claim 1.

Furthermore, claim 2 recites:

The apparatus of claim 1, wherein the eye-positioning device comprises:  
an eye-position detector for detecting the position of the eye; and  
a feedback mechanism for receiving information from the eye-position detector corresponding to the position of the eye, and providing feedback information to the subject so that the subject can move the eye to the desired position.

Kerssies does not disclose a feedback mechanism for receiving information from an eye-position detector, and for providing information to the subject. Even if the reflective base portion of Kerssies is an eye-position detector, as characterized by the Examiner, the reflective base portion does not provide any information corresponding to the position of the eye to any feedback mechanism that receives the information, and then provide feedback information to the subject. To the extent the reflection generated by the reflective surface includes information about the position of the subject's eye, the reflection *is feedback information*, and *is not a feedback mechanism that receives information from the eye-position detector*, because a reflection is incapable of receiving information. For at least this additional reason, Kerssies does not anticipate claim 2.

Claim 4 depends from claim 2, and is therefore also distinguished from Kerssies for this additional reason.

b. Claim 20

Kerssies also does not disclose each feature recited in amended claim 20, which recites:

An ophthalmic apparatus, comprising:  
a dispensing apparatus for dispensing fluid into an eye of a subject;  
an eye-position detector for detecting the current position of the eye relative to the dispensing apparatus; and  
a feedback device for **receiving information from the eye-position detector corresponding to the position of the eye, and for** providing feedback information that assists the subject in moving the eye from the current position to a predetermined position relative to the dispensing apparatus for administering a fluid to the eye.

As noted above, Kerssies does not disclose a feedback mechanism for receiving information from an eye-position detector, and for then providing information to the subject. Rather, Kerssies discloses a reflection generated by a reflective surface that does not receive information from the eye-position detector, because a reflection is incapable of receiving information. For at least this reason, Kerssies does not anticipate claim 20 under 35 U.S.C. § 102(e), and claim 20 should be allowed.

c. Claims 28, 30, and 31

Kerssies also does not disclose each feature recited in amended claim 28, which recites:

An ophthalmic apparatus for administering a liquid to an eye of a subject, comprising:  
detecting means for detecting the position of the eye; and  
dispensing means for dispensing the liquid into the eye **only** when the eye is in a predetermined position.

As discussed above, Kerssies does not disclose a dispenser for dispensing fluid into an eye only when the eye is in the desired position, but rather discloses a device having a dispenser that can be used to dispense fluid eye medication at any time, regardless of whether the eye is in any particular orientation. Accordingly, applicants submit that Kerssies does not anticipate claim 28 under 35 U.S.C. § 102(e), and respectfully request withdrawal of the rejection of claim 28 based on Kerssies.

Claims 30 and 31 depend from claim 28, and thus are allowable for at least the same reasons as set forth above with respect to claim 28.

Claim 30 also is distinguished from Kerssies because Kerssies does not disclose feedback means for providing feedback to the subject “if the detecting means detects that the eye is not in the predetermined position,” as recited in claim 30. The reflective surface of Kerssies provides information to the subject in the form of a reflection whenever the subject is wearing the ophthalmic device of Kerssies, and does not do so under the condition, recited in claim 30, that the detecting means detects that the eye is not in the predetermined position. For at least this additional reason, Kerssies does not anticipate claim 30 under 35 U.S.C. § 102(e). Claim 31 depends from claim 30 and is therefore also distinguished from Kerssies for this additional reason.

## 2. Rejection of Claim 28 Under 35 U.S.C. § 102(b) as Being Anticipated by Vo

Claim 28 was rejected under 35 U.S.C. § 102(b) as being anticipated by Vo. Applicants respectfully disagree with this rejection, because Vo fails to disclose each feature recited in claim 28. Nevertheless, as discussed above, claim 28 has been amended for clarity to further prosecution of the application.

As shown below in Figs. 1, 6A, 6B, and 6C, Vo discloses an eyedrop delivery system 10 for administering eyedrops to the eye of a user. The eyedrop delivery device includes eye and eyelid detecting means 800 that “prevent[s] eyedrop ejection when the eyes are in a disadvantageous position or the eyelids are closed.” (See Col. 8, line 65 to col. 9, line 30 of Vo.) As explained in Vo, the eyedrop detecting means 800 includes a pair of photodiodes 805A, 805B, and a pair of phototransistors 810A, 810B. Each of the photodiodes 805A, 805B emits a tiny beam of light 815 towards a position where the eyedrop ejected by nozzles 335A, 335B will contact the eye. When light beams 815 strike the large white sclera of the eye (FIG. 6A), the large white sclera reflects light beams 820. These reflective light beams 820 are received by phototransistors 810A, 810B, which then signal the microcomputer 605 to eject eyedrops. When light beams 815 strike the pupil of the eye (Fig. 6B) or an eyelid (Fig. 6C), phototransistors 810A, 810B will receive little or no reflective light beams 820, and will signal the microcomputer 605 to prevent eyedrop ejection. As such, the eyedrop delivery system 10 is adapted to dispense eyedrops only when (a) the pupil is **not** directly within the path of the eyedrops as they are ejected by nozzles 335A, 335B, and (b) the eye is **not** covered by an eyelid.

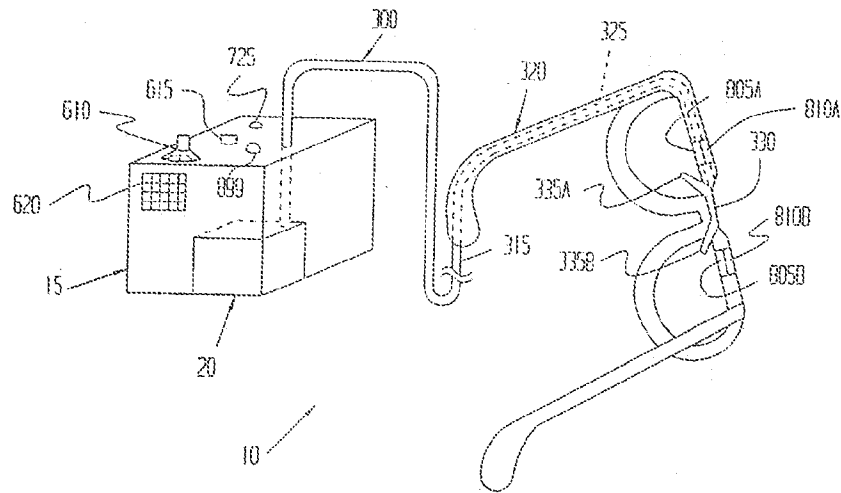


FIG. 1

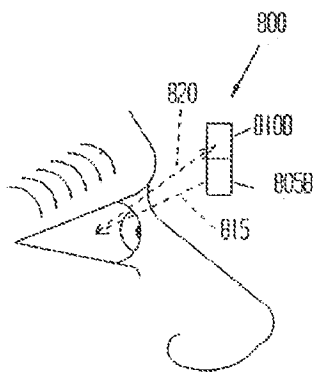


FIG. 6A

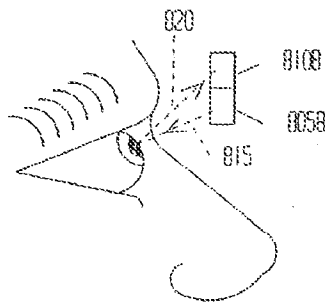


FIG. 6B

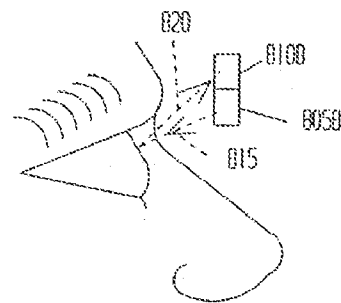


FIG. 6C

As amended, claim 28 recites:

An ophthalmic apparatus for administering a liquid to an eye of a subject, comprising:

detecting means for detecting the position of the eye; and

dispensing means for dispensing the liquid into the eye only when the eye is in a predetermined position.

Claim 28 thus recites detecting means for detecting the position of the eye. Such detection is then used to determine whether the eye is in proper position for dispensing a liquid when the eye is in a predetermined position, thereby providing for administering

a fluid to a specific location on the surface of the eye. As recognized generally by the Board of Patent Appeals and Interferences in its prior Decision on Appeal (Appeal 2008-4644) in this application, Vo does **not** disclose or suggest detecting position of an eye for administering a fluid to a specific location on the surface of the eye.

The phototransistors 810A, 810B disclosed in Vo do not in fact detect the position of the eye, but instead detect the presence or absence of reflected light beams 820 that indicate whether the eye is in one of two possible states. First, phototransistors 810A, 810B detect reflective light beams 820 reflected from the large white sclera of the eye when the eye is in a state that is advantageous for receiving an eyedrop (i.e., when the eye is not covered by an eyelid and the pupil is not in directly within the path of the eyedrops as they are ejected by nozzles 335A, 335B). Whenever the eye is in such an advantageous state (which may encompass any number of eye orientations), the eye and eyelid detection means 800 receive the same information. Eye drops thus are ejected by Vo regardless of the actual position of the eye. Second, phototransistors 810A, 810B detect little or no reflective light beams 820 when the eye is in a state that is disadvantageous for receiving an eyedrop (i.e., when either the eye is covered by an eyelid or the pupil is directly within the path of the eyedrops as they are ejected by nozzles 335A, 335B). Whenever the eye is in such a disadvantageous state, the eye and eyelid detection means 800 receive the same information, regardless of the actual position of the eye. As such, the eye and eyelid detection means 800 does not function to detect the position of the eye.

Moreover, Vo does not disclose a dispensing means for dispensing liquid into the eye only when the eye is in a desired position. Instead, the eyedrop delivery system 10 dispenses eyedrops only when the eye is **not** in a disadvantageous state, namely, when (a) the pupil is **not** directly within the path of the eyedrops as they are ejected by nozzles 335A, 335B, and (b) the eye is **not** covered by an eyelid. When the eye is not in a disadvantageous state, the eyedrop delivery system 10 dispenses eyedrops regardless of the actual position of the eye. Vo therefore does not disclose a dispensing member that only dispenses liquid into the eye when the eye is in a particular position, let alone a desired position.

For at least the reasons discussed above, Vo does not anticipate claim 28 under 35 U.S.C. § 102(b), and applicants respectfully request withdrawal of the rejection of the claim.

**B. Rejections Under 35 U.S.C. § 103**

The various cited references in combination do not establish a *prima facie* case that the claims rejected under 35 U.S.C. § 103(a) are obvious.

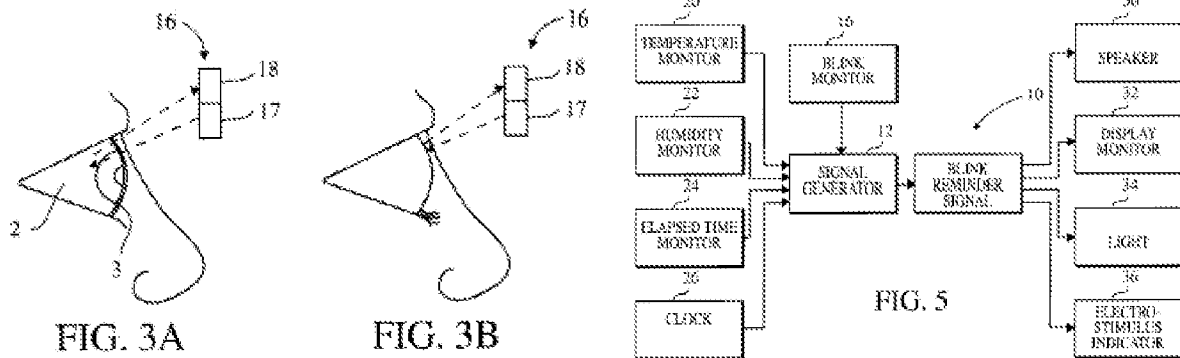
1. Rejections of Claims 1-6, 9-10, 14-16, 18-20, 22, 23, and 29-31 Under 35 U.S.C. § 103(a) as Being Unpatentable Over Vo in View of Yee.

Claims 1, 6, 9, 10, 14-16, 18-20, 22, 23, and 29-31 were rejected under 35 U.S.C. § 103(a) as being obvious over Vo in view of Yee.

As discussed above, Vo discloses an eyedrop delivery system 10 that includes an eyedrop detecting means 800 for detecting whether an eye is in one of two possible states, namely, an advantageous state (i.e., when the eye is not covered by an eyelid and the pupil is not in any of the various positions directly within the path of the

eyedrops as they are ejected by nozzles 335A, 335B) and a disadvantageous state (i.e., when either the eye is covered by an eyelid or the pupil is in any of the various positions directly within the path of the eyedrops as they are ejected by nozzles 335A, 335B). The eyedrop delivery system 10 is adapted to dispense eyedrops only when the eye is **not** in the disadvantageous state, regardless of the actual position of the eye.

As shown in Figs. 3A, 3B, and 5 below, Yee discloses a device directed to maintaining a proper tear film on the surface of a user's eye, such as when a user is viewing a computer display. The device monitors how frequently a user is blinking and encourages a user to blink if he is not blinking frequently enough to maintain the proper tear film. The device encourages blinking through blink reminder signals, such as audible signals, visual signals, or electrostimulus signals. Blinking frequency is monitored by detecting with a phototransistor 18 the intensity of light reflected from a user's eye, such as is shown in Figs 3A and 3B. When the user's eyelid covers his eye during a blink, the intensity of reflected light changes and thus signals a blink.



a. Claims 1-6, 9-10, 14-16, and 18-19

Vo combined with Yee does not disclose each feature recited in claim 1, because neither Vo nor Yee disclose or suggest an applicator for dispensing fluid into an eye conditionally upon positioning of the eye in a desired position.

As discussed above with respect to claim 28, the eyedrop delivery system of Vo dispenses eyedrops only when the eye is not in a disadvantageous state, and regardless of the actual position of the eye. Moreover, as recognized by the Examiner, and by the Board of Patent Appeals and Interferences (in its prior Decision on Appeal (Appeal 2008-4644) in this application), Vo does not disclose an eye-positioning device for assisting a subject in positioning an eye in a desired position for administering a fluid to the eye. There would be no need, as Vo dispenses eye drops regardless of the actual position of the eye.

Yee discloses a pump member (75) for delivering fluid to a user's eye or to the area surrounding the user's eye. However, the pump member (75) is controlled to maintain certain desired environment conditions by activating when the humidity in the enclosed area drops below a specified threshold. The pump member (75) is not activated based on the position of a user's eye, let alone when a user's eye is in a desired position.

The Board of Patent Appeals and Interferences expressly considered rejection of claim 1 based on Yee in its prior Decision on Appeal (Appeal 2008-4644) in this application. As recognized by the Board, Yee does not disclose or suggest an eye-positioning device for assisting a subject in positioning an eye in a desired position for

administering a fluid to the eye. Yee thus cannot teach a feedback mechanism that provides audible or visual cues for to assist in positioning the eye in the desired position, as the Examiner asserts.

For at least the foregoing reasons, applicants submit that the combination of Vo and Yee does not disclose or suggest each and every feature recited in claim 1, and respectfully request withdrawal of the rejection of claim 1 under 35 U.S.C. § 103(a).

Claims 2-6, 9-10, 14-16, and 18-19 depend from claim 1, and therefore are allowable for at least the same reasons as claim 1.

Claim 2 is further distinguishable from the combination of Vo and Yee. Claim 2 recites:

The apparatus of claim 1, wherein the eye-positioning device comprises:  
an eye-position detector for detecting the position of the eye; and  
a feedback mechanism for receiving information from the eye-position detector corresponding to the position of the eye, and providing feedback information to the subject so that the subject can move the eye to the desired position.

First, claim 2 is distinguishable because neither Vo nor Yee teach or suggest an eye-position detector for detecting the position of the eye. As discussed above with respect to claim 28, the phototransistors 810A, 810B disclosed in Vo do not detect the position of the eye, but instead detect the presence or absence of reflected light beams 820 that indicate whether the eye is in either an advantageous or disadvantageous state. Whenever the eye is in a particular one of the states, the eye and eyelid detection means 800 receive the same information regardless of the actual position of the eye, and as such, the eye and eyelid detection means 800 does not function to detect the position of the eye. Yee also does not disclose an eye-position detector, but

instead describes a blink monitor (16) that “monitors the frequency of the computer user’s blinks, the time between blinks, the time since last blink, and the like.” (Col. 7, lines 46-48.) As determined by the Board of Patent Appeals and Interferences, monitoring blink frequency and time intervals between blinks is not equivalent to detecting the position of an eye.

Second, claim 2 is distinguished because neither Vo nor Yee teach or suggest a feedback mechanism for “receiving information from the eye-position detector corresponding to the position of the eye, and providing feedback information to the subject so that the subject can move the eye to the desired position”, as recited in claim 2. The Examiner acknowledges that Vo does not disclose a feedback mechanism, and cites Yee for such disclosure. However, Yee does not disclose a feedback mechanism that receives information from an eye-position detector corresponding to the position of the eye, and provides feedback information to the subject so that the subject can move the eye to the desired position. Rather, Yee discloses a signal generator 12 that receives information from a blink monitor corresponding to how frequently a user is blinking, and generates a blink reminder signal with a blink indicator 14 that encourages the user to blink. Yee fails to consider eye position information at all, as such information is irrelevant to Yee.

For at least these additional reasons, claim 2 is distinguishable over the combination of Vo and Yee, and applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a). Claims 3 and 4 depend from claim 2, and therefore are allowable for at least the same reasons as claim 2.

Claim 6 is further distinguishable from the combination of Yee and Vo, because neither reference discloses or suggests the recited image pick-up device, or image processor. The Examiner acknowledges that Vo does not disclose these features. Yee discloses a phototransistor 18 which “measures the intensity of the reflected light and, thereby, detects computer user blinks.” (Col. 8, lines 14-15.) A phototransistor measuring the intensity of reflected light requires significantly less detail and precision than an image pick-up device that captures an image of an eye. Light intensity reflected off of an object is a coarse measurement compared to the refinement used to capture an image of an object. The controller disclosed in Yee determines only if light intensity has altered sufficiently to signify a blink, and is not an image processor that processes the captured image of eye to determine if the eye is in a desired position. Yee does not disclose that the phototransistor and controller are used to capture and process any images at all, and as such, it is unclear whether the Yee phototransistor and controller are even capable of functioning as the image pick-up device and image processor recited in claim 6.

For at least these additional reasons, claim 6 is distinguishable over the combination of Vo and Yee, and applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a). Claims 7 and 8 depend from claim 6, and therefore are allowable for at least the same reasons as claim 6.

b. Claims 20, 22, 23

Vo combined with Yee does not disclose or suggest each and every feature recited in claim 20. As discussed above with reference to claim 2, neither Vo nor Yee

disclose or suggest the recited eye-position detector or feedback device. As such, applicants respectfully request withdrawal of the rejection of claim 20 under 35 U.S.C. § 103(a). Claims 22 and 23 depend from claim 20 and are therefore allowable for at least the same reasons.

Claim 23 is further distinguishable because neither reference discloses or suggests the recited image-capturing device and processor. The Examiner acknowledges that Vo does not disclose these features. As discussed above, Yee discloses a phototransistor for measuring the intensity of reflected light, which requires significantly less detail and precision than an image pick-up device for capturing an image of an eye. The controller disclosed in Yee determines only if light intensity has altered sufficiently to signify a blink, and is not a processor for processing the captured image of the eye to determine if the eye is in a desired position. Moreover, there is no indication that the Yee phototransistor and controller are even capable of functioning in the same manner as the image-capturing device and processor recited in claim 23, because Yee does not describe image capturing and processing.

For at least these additional reasons, claim 23 is distinguishable over the combination of Vo and Yee, and applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a). Claim 24 depends from claim 23, and is therefore allowable for at least the same reasons as claim 23.

c. Claims 29-31

Claims 29-31 were rejected under 35 U.S.C. § 103(a) as being obvious over Vo and Yee. Claims 29-31 all depend from claim 28, which was rejected as being

anticipated by Vo. For the reasons discussed above, Vo does not disclose each and every element of claim 28, and thus does not anticipate claim 28. The combination of Vo and Yee also does not disclose or suggest each and every element of claim 28 because, similar to Vo, Yee does not disclose a detecting means for detecting the position of an eye or a dispensing means for dispensing liquid into the eye only when the eye is in a predetermined position. Instead, Yee discloses a blink monitor (16) that monitors the frequency of a computer user's blinks, and a pump member (75) that activates when the humidity in an enclosed area drops below a specified threshold. Yee does not disclose any structure having a function that depends on the position of an eye. Because claims 29-31 all depend from claim 28, they are allowable for at least the same reasons as claim 28.

Claim 29 is further distinguishable over the combination of Vo and Yee, because neither Vo nor Yee disclose means for capturing an image of an eye or processing means for detecting the position of an eye. The Examiner acknowledges that Vo does not disclose these features. As discussed above, Yee discloses a phototransistor for measuring the intensity of reflected light, which requires significantly less detail and precision than a means for capturing an image of an eye. The controller disclosed in Yee determines only if light intensity has altered sufficiently to signify a blink, and is not a processing means for detecting the position of the eye relative to a predetermined position based on the image. Moreover, there is no indication that the Yee phototransistor and controller are even capable of functioning in the same manner as

the image-capturing device and processor recited in claim 29, because Yee does not disclose image capturing and processing.

Claim 30 is further distinguishable over the combination of Vo and Yee. As discussed with reference to claim 2, neither Vo nor Yee discloses or suggests the recited feedback means.

2. Rejections of Claims 11-13, 17, and 32 Under 35 U.S.C. § 103(a) as Being Unpatentable Over Vo in View of Bertera.

Claims 11-13, 17 and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Vo in view of Bertera. Claims 11-13 and 17 depend from claim 1, and are therefore allowable for at least the same reasons as claim 1. Claim 32 depends from claim 28, and is allowable for at least the same reasons as claim 28. As such, applicants respectfully request withdrawal of the rejections of claims 11-13, 17, and 32.

3. Rejection of Claim 7 Under 35 U.S.C. § 103(a) as Being Unpatentable Over Vo and Yee in View of Miwa.

Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Vo and Yee, and further in view of Miwa. Claim 7 depends from claims 1 and 6, and is therefore allowable for at least the same reasons as claims 1 and 6. Applicants therefore respectfully request withdrawal of the rejection of claim 7.

4. Rejections of Claim 8 Under 35 U.S.C. § 103(a) as Being Unpatentable Over Vo and Yee in View of Pavlidis.

Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Vo and Yee, and further in view of Pavlidis and Keressies. Claim 8 depends from claims 1 and 6, and is therefore allowable for at least the same reasons as claims 1 and 6.

5. Rejections of Claims 24-27 Under 35 U.S.C. § 103(a) as Being Unpatentable Over Vo and Yee in View of Wickham.

Claims 24-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Vo and Yee, and further in view of Wickham. Claims 24-27 depend from claim 20, and are therefore allowable for at least the same reasons as claims 24-27.

**Conclusion**

In view of the present amendments and remarks, Applicants believe that all claims in this application are now in condition for allowance. Accordingly, Applicants respectfully request that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

The Commissioner is hereby authorized to charge or credit any deficiencies or over-payments to Deposit Account No. 08-2025 which may be required in connection with this filing.

Respectfully submitted,

KOLISCH HARTWELL, P.C.

/Walter W. Karnstein/

Walter W. Karnstein  
Registration No. 35,565  
200 Pacific Building  
520 S.W. Yamhill Street  
Portland, Oregon 97204  
Telephone: (503) 224-6655  
Facsimile: (503) 295-6679  
Attorney for Applicants

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being electronically transmitted to the US Patent and Trademark Office, via the EFS-Web System on October 23, 2009.

\_\_\_\_\_/Theresa Belland/  
Theresa Belland